(26)

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**W.P.(S) No. 6405 of 2007**

**PETITIONER** Devnarayan Jangde, aged about 39 years, S/o Shri Shankar Lal Jangde, Assistant Teacher, Government Middle School Uchchabhatti (E) Vilas Khand Sarangarh, Distt. Raigarh (C.G.)

**Versus**

**RESPONDENTS**
1. State of Chhattisgarh, through the Secretary, Department of Tribal, Dau Kalyan Singh Bhawan, Raipur (C.G.)
2. The Assistant Commissioner Department of Tribal, Raigarh (C.G.)

**WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUION OF INDIA**

**Appearance:**

Shri U.R. Koshley, counsel for the petitioner.

Shri Satish Gupta, Deputy Govt. Advocate for the State/ respondents on advance copy.

**ORAL ORDER**
**(01.11.2007)**

**SUNIL KUMAR SINHA, J.**

Heard on admission.

Learned counsel for the petitioner submits that the petitioner has passed B.Ed. examination on his own expenses, therefore, he is entitled to receive two advance increments according to circulars dated 24.12.1998 and 01.03.1999. He also submits that in many identical matters, the petitions have been allowed in terms of the order passed in the case of ***Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (2006 (II) MPJR-CG 96).*** He submits that his case is squarely covered by the said Judgment.

This legal position is not disputed by the learned counsel for the State. However, he submits that the order may be passed in terms of the said judgment, but it shall be subject to verification regarding petitioner's such qualification.

Accordingly, the writ petition is allowed in terms of the order passed in case of *Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another* (Supra) subject to the verification of the facts as to whether the petitioner had acquired B.Ed. Examination Certificate on his own expenses as per circulars dated 24.12.1998 and 01.03.1999 and further whether he has been paid two advance increments or not.

This petition stands finally disposed of. No order as to costs.

**Sd/-**
**Sunil Kumar Sinha**
**Judge**

*/Rao/*